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DEC 19 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

December 19, 1994

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OUR FILE NO.
0850-101-63

**Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Washington, D.C. 20554**

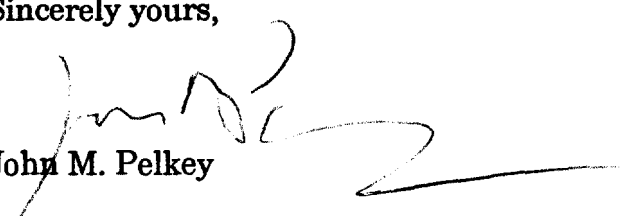
**Re: MM Docket No. 94-122
Atlantic and Glenwood, Iowa**

Dear Mr. Caton:

Transmitted herewith on behalf of Valley Broadcasting, Inc., are an original and four copies of its Comments in the above-referenced proceeding.

If there are any questions concerning this matter, please contact this office directly.

Sincerely yours,


John M. Pelkey

JMP/ned

Enclosures: (5)

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DEC 19 1994

Before The
Federal Communications Commission
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In The Matter Of)	
)	
Amendment of Section 73.202(b))	MM Docket No. 94-122 ¹
Table of Allotments)	RM-8513
FM Broadcast Stations)	
(Atlantic and Glenwood, IA))	

TO: Chief, Allocations Branch

Comments of Valley Broadcasting, Inc.

By Petition for Rulemaking filed July 28, 1994, Valley Broadcasting, Inc. ("Valley") requested the Commission to institute a rule making proceeding to amend Section 73.202(b) of the Commission's rules by deleting Channel 279 C from Atlantic, Iowa, and allotting Channel 279 C to Glenwood, Iowa, as that community's first local aural service. In response, the Commission released a Notice of Proposed Rulemaking ("Notice") in the above-captioned proceeding proposing the requested changes to the Table of Allotments and soliciting the submission of comments by December 19, 1994. Valley, through counsel, hereby submits its comments in response to the Notice. As will be shown below, the proposed rulemaking is consistent with Commission policy and

¹ The Notice of Proposed Rulemaking specified MM Docket No. 93-286 as the docket number in this proceeding. A review of the Commission's files indicates that the correct docket number is MM Docket No. 94-122.

would advance the public interest. Accordingly, the proposed rulemaking should be adopted.

I. Background

Valley is the licensee of KXKT(FM), which operates on Channel 279 C from a site located approximately 25 miles from KXKT's community of license of Atlantic, Iowa. In its Petition for Rulemaking², Valley proposed to change its community of license from Atlantic to Glenwood consistent with the procedures authorized in *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870 (1989), as modified by 5 FCC Rcd 7094 (1990) ("New Community" Rulemaking). Valley committed that, if the proposed amendment to the Table Of Allotments were adopted, it would promptly file an application for modification of its license and would promptly construct the modified facilities, place those facilities into operation and seek a license covering the facilities.³ Valley hereby reaffirms that earlier commitment and, in accordance with ¶ 1 of the Notice, specifically states its intention to apply for Channel 279 C if that channel is re-allotted to Glenwood.

In its Petition for Rulemaking, Valley pointed out that allotting Channel 279 C to Glenwood would permit Glenwood to receive its first local aural channel, thereby serving the highest of the Commission's

² The Valley Petition for Rulemaking is hereby incorporated by reference.

³ Valley Petition for Rulemaking at 3.

existing allocation priorities.⁴ Glenwood is an incorporated city and is the county seat of Mills County, Iowa. It has its own municipal government, its own police department, a county sheriff and a 30 member volunteer fire department. It has its own post office and zip code (51534) and, of course, is separately listed in the 1990 U.S. Census.

II. Allocation of Channel 279 C is Consistent with Commission Policy and is in the Public Interest

In its *New Community* Rulemaking, the Commission held that petitions requesting a change in community of license would be approved if the change would not have the effect of depriving a community of an existing service representing its sole local transmission outlet and if the allotment to the new community would serve the Commission's allotment priorities and policies better than the allotment to the old community. 5 FCC Rcd at 7094. As was pointed out in Valley's Petition for Rulemaking, deletion of Channel 279 C from Atlantic would not leave Atlantic without a local aural service inasmuch as KJAN remains licensed to Atlantic.⁵

Insofar as adherence to the Commission's priorities and policies is concerned, the proposed allotment to Glenwood would better serve those priorities and policies than the current allotment to Atlantic. As the Commission itself recognized in the *New Community* Rulemaking, "provision of first local service is the highest of [the] allotment priorities

⁴ Id.

⁵ Valley Petition for Rulemaking at 3-4.

which remains in any significant degree unsatisfied.”⁶ The allocation to Glenwood would permit Glenwood to receive its first local aural channel.

In addition, as is evidenced in the attached Engineering Statement of R. Lee Wheeler, the proposal would also permit an additional 23,397 persons to receive service from Channel 279 as compared to the number of persons that currently receive service from Channel 279. Moreover, the additional population coverage is not achieved through increased coverage of the Omaha Urbanized Area.⁷ The current 1 mV/m contour of KXKT encompasses all of the Omaha Urbanized Area. As a result, the increase in coverage is achieved exclusively through coverage of persons living outside of the Omaha Urbanized Area.⁸ As is also evidenced in the attached Engineering Statement, the area that would lose service from the Valley station would continue to be well served by other stations. At least 29 allocated or authorized signals cover all or part of the area that would lose service as a result of the reallocation and no portion of the loss area would be served by fewer than 5 allocated or authorized aural services and thus

⁶ 5 FCC Rcd at 7097 (¶ 16).

⁷ The Notice specifically requested that Valley provide information as to what portion of any population gain would be attributable to coverage of the Omaha Urbanized Area. Notice at ¶ 3.

⁸ Information concerning the area encompassed within the Omaha Urbanized Area was obtained from the Bureau of Census, Economics and Statistics Administration, U.S. Department of Commerce. A map depicting the Omaha Urbanized Area is attached hereto.

be deemed to be "underserved".⁹

Furthermore, it must be emphasized that Glenwood is a community separate and apart from Omaha. Glenwood is located approximately 20 miles from Omaha. It is not included within the Omaha Urbanized Area. It is not only an incorporated municipality, but it is also the county seat of Mills County, a county which does not even adjoin Omaha or any part of the Omaha Urbanized Area. In addition to having its own municipal government, its own police department, its own fire department, its own post office and its own zip code, it has its own schools (including two elementary schools, a middle school and a high school) its own shopping plazas, its own business district, its own park and its own museum. Not only does Glenwood have a separate telephone book (Glenwood telephone numbers are not in the Omaha directory), Glenwood businesses and residences can be reached from Omaha only through placing a long distance telephone call.

III. Conclusion

The above facts thus demonstrate that (1) Atlantic would continue to enjoy its own local aural transmission service if the rulemaking were adopted, (2) the Commission's allocation criteria would be better served by the allocation of Channel 279 C to Glenwood than the continued allocation of that channel to Atlantic inasmuch as the allocation to Glenwood would provide that community with its first local aural transmission, would provide service to more persons than if

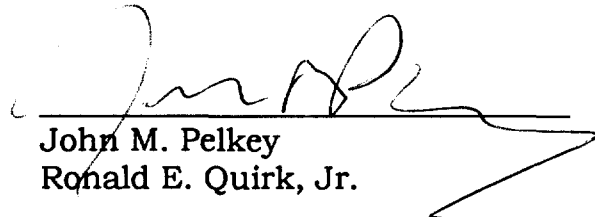
⁹ The Engineering Statement actually understates the coverage of the loss area by other stations inasmuch as it did not consider coverage by directional AM stations. See Engineering Statement at p. 3.

Channel 279 continued to be allocated to Atlantic and would withdraw service only from an area that would be served by numerous other outlets, and (3) Glenwood is an independent community.¹⁰

Accordingly, the proposed rulemaking should be adopted.

Respectfully submitted,

Valley Broadcasting, Inc.



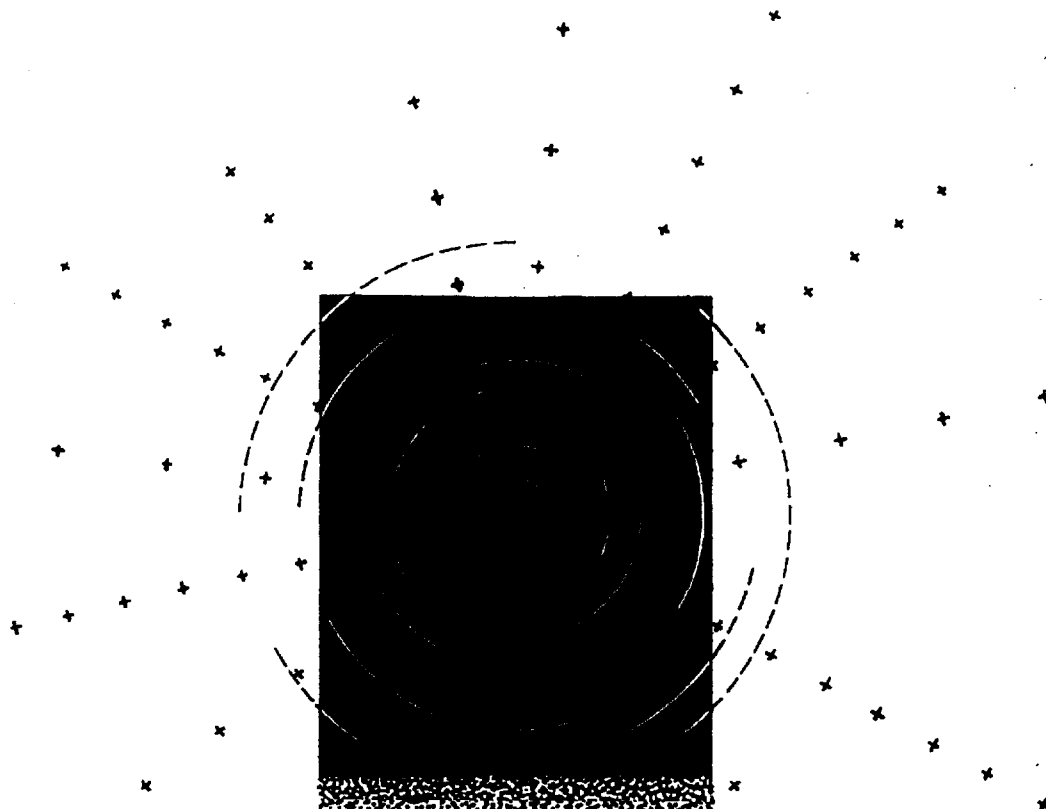
John M. Pelkey
Ronald E. Quirk, Jr.

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December 19, 1994

¹⁰ It should also be noted that, from the proposed reference coordinates, KXKT would provide 60 dBu service over Atlantic.

[illegible]

MAPS



WHEELER BROADCAST CONSULTING

Valley Broadcasting, Inc. Engineering Report

Comments In:

A Proposed Rule Making
Channel 279 C
Glenwood, Iowa

December 1994



WHEELER BROADCAST CONSULTING

Engineering Statement

This consultant has been retained by Valley Broadcasting, Inc., licensee of KXKT in Atlantic, Iowa, for the purpose of preparing the technical portion of its comments in support of a Proposed Rule Making, RM-8513, seeking an amendment to 47 CFR 73.202(b), the FM Table of Allotments, by deleting Channel 279C from Atlantic, Iowa and adding Channel 279C to Glenwood, Iowa as its first local aural service.

In its Notice of Proposed Rule Making, the Commission requested that Valley provide detailed information with regard to population gains and losses as well as a determination of what percentage of the gain was attributable to the Omaha Urbanized Area. This report is responsive to that request. In addition to that information, a white and gray area study was performed so as to affirm that none of the area which would lose coverage based on the request could be considered underserved.

A copy of the map depicting the Omaha Urbanized area was ordered from the Census Bureau and was overlaid onto the Omaha, NE - IA and Fremont, NE - IA, USGS, 1:250,000 maps and the predicted 60 dbu service contours of the existing, licensed, KXKT facilities as well as the predicted service contours of the Glenwood reference site were overlaid. For the purpose of this analysis, consistent with Commission policy, the Glenwood class C facilities were based on 100 kW with a reference HAAT of 300m. A copy of that map is included in this report as Exhibit 1. Exhibit 1 clearly demonstrates that the existing KXKT facilities cover the entirety of the Omaha Urbanized Area and as such none of the population increase is attributable to Omaha.

Although it was not specifically requested, the contour study further determined that none of the population gains are attributable to the Lincoln, NE Urbanized Area either.

In order to accurately pinpoint the areas in which service would be gained as well as areas in which service would be lost the 60 dbu contours of both the licensed KXKT facilities and the Glenwood reference facilities were plotted at a scale of 1:1,000,000 and overlaid over the Minor Civil Subdivision maps as supplied by the Nebraska and Iowa General Population Census books. The overlays are included in this report as Exhibits 2, 3, and 4. The portions of the maps that included gained service area and lost service area were then enlarged approximately 200% and population was counted within the areas of change. If only a portion of a Minor Civil Subdivision was encompassed the relative areas were scaled by using a K&E, model 620000, polar planimeter and the percentage change was calculated based on uniform population distribution within that subdivision. A complete tabulation of each state, county, and minor civil subdivision within the areas in which service would change is included in this report as Exhibit 5. The net increase in population served by the Glenwood reference facilities was calculated to be 23,397 persons according to the 1990 U.S. Census.

A "White Area" and "Gray Area" study was performed in order to determine what portions, if any, of the gain area or loss area would be considered unserved or underserved by aural services. For the purpose of this study the 60 dbu, F(50,50) contour of FM Allocations, Applications, Construction Permits, and Licenses and the 2 mV/m of AM facilities were utilized in the definition of coverage. Although primary service is defined in 47 CFR 73.182(e) as "2 mV/m for communities with populations of 2,500 or more; and 0.5 mV/m for communities with populations of less than 2,500.", and the area with net increases or decreases in population served is almost entirely comprised of communities with populations of less than 2,500, the more conservative 2 mV/m

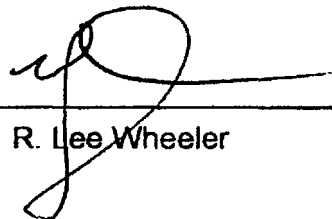
groundwave contour was applied for the purposes of this study. Due to the clutter generated on the map many of the Omaha service contours were omitted from the map as they are largely similar. Directional AM contours were also omitted as accurate pattern information was not available in a timely manner.

For all AM contours a uniform ground conductivity of 15 mS/m was applied as the entire area of net change is encompassed by that contour on the M-3 map. The additional signals were located by performing a 150 km radius search of the Commission's October 28, 1994 FM database and a 225 km radius search of the Data World AM database. While the results of the study indicate that none of the areas in which population would be gained would be considered underserved it further demonstrates that at least 29 additional allocated or authorized signals cover all or part of the area which would lose service as a result of the proposed change in KXKT's facilities. No area would be served by fewer than 5 allocated or authorized aural services. A copy of the digitally generated map depicting the additional services is included in this report as Exhibit 6 and a tabulated listing of the confirmed overlapping facilities is included as Exhibit 7.

All information contained in this report is true and accurate to the best of my belief. Having had numerous matters before the Commission, my qualifications are a matter of record.

12/18/94

Date



R. Lee Wheeler

Omaha Urbanized Area Detail

Urbanized Area

KXKT Licensed 60 dbu

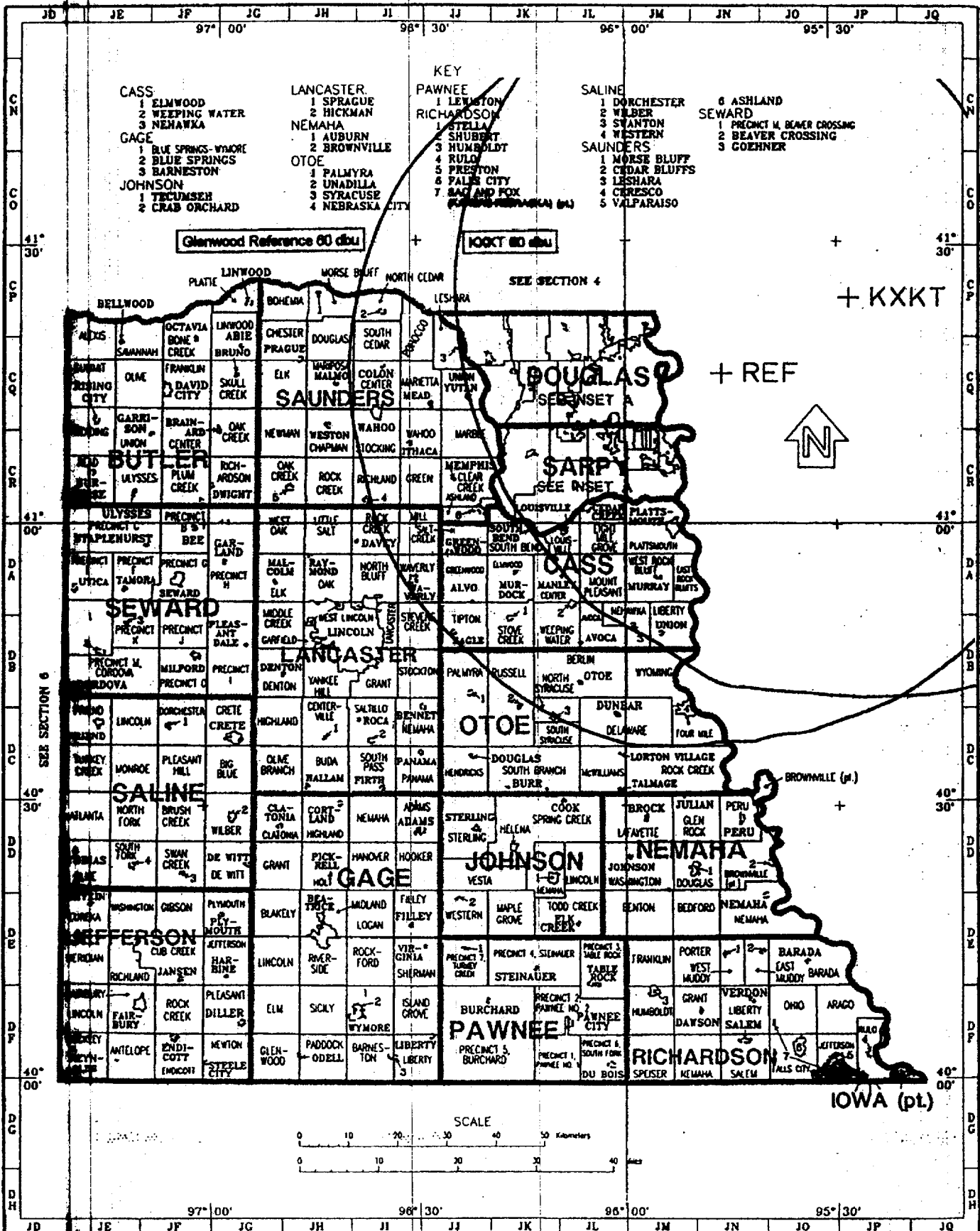
DODGE COUNTY WASHINGTON COUNTY

DOUGLAS COUNTY

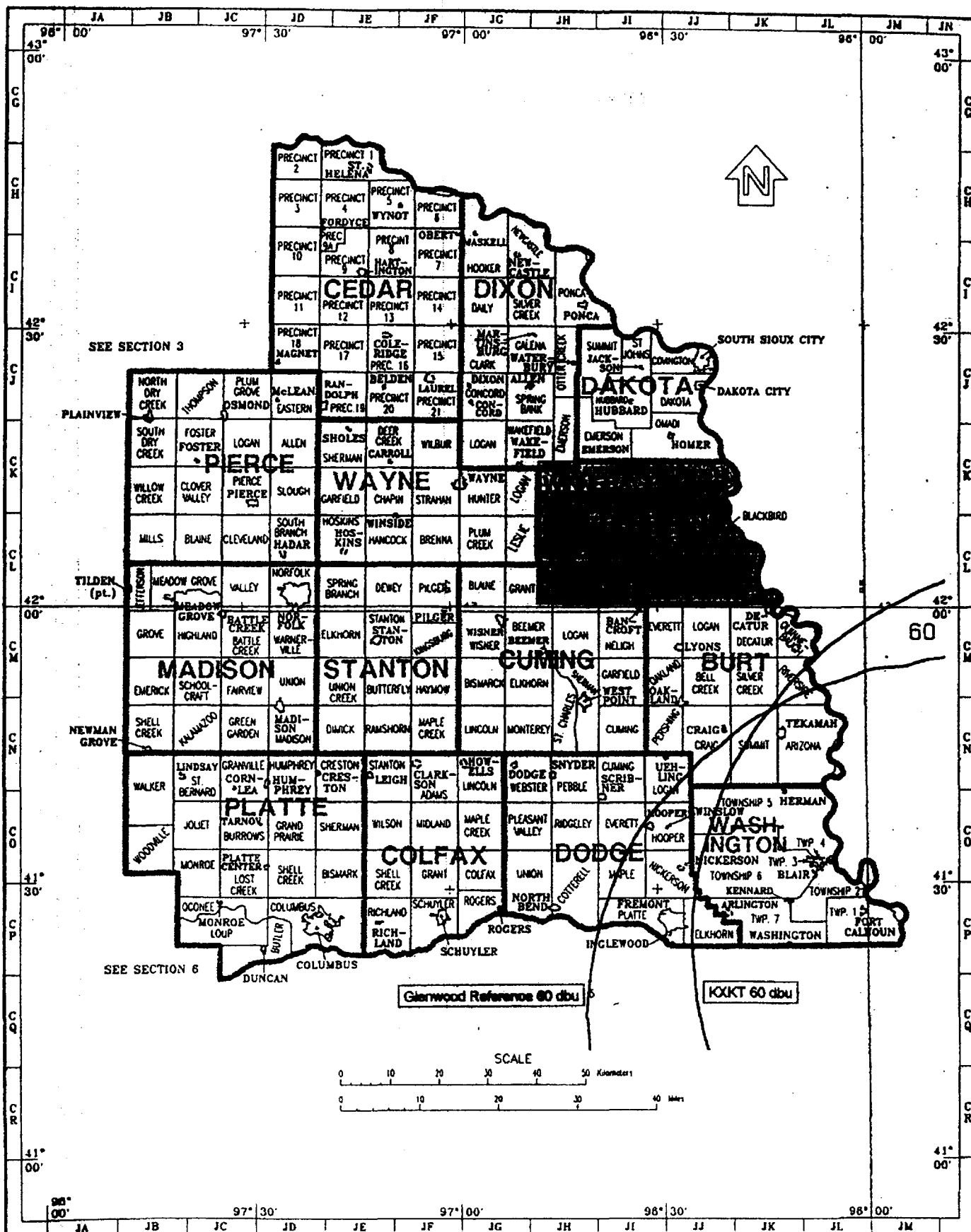
Glenwood Reference 60 dbu



American Indian Areas, Counties, County Subdivisions, and Places - Section 5



U.S. DEPARTMENT OF COMMERCE Economics and Statistics Administration Bureau of the Census





WHEELER BROADCAST CONSULTING

Exhibit 5

Detailed Population Gains & Losses

Gain Area

State	County	Twp or Pct	Percentage	Total Pop.	Population
NE	Burt	Craig	42	236	99
NE	Burt	Summit	23	467	107

NE	Cass	Avoca	94	444	417
NE	Cass	Center	81	547	443
NE	Cass	Eagle Vlg.	100	356	356
NE	Cass	Elmwood	100	622	622
NE	Cass	Greenwood	100	447	447
NE	Cass	Liberty	4	689	27
NE	Cass	Nehawka	30	423	127
NE	Cass	Salt Creek	100	813	813
NE	Cass	South Bend	94	581	546
NE	Cass	Stove Creek	100	879	879
NE	Cass	Tipton	65	1,561	1,015
NE	Cass	Weeping Water City	100	1,088	1,088
NE	Cass	Weeping Water Pct.	100	355	355

NE	Dodge	Elkhorn	20	425	85
NE	Dodge	Everett	15	250	38
NE	Dodge	Fremont Cty	100	23,680	23,680
NE	Dodge	Hooper	92	1,285	1,182
NE	Dodge	Logan	19	536	102
NE	Dodge	Maple	58	341	198
NE	Dodge	Nickerson	100	691	691
NE	Dodge	Platte	95	2,099	1,994

3718 W. 52nd TERRACE
SHAWNEE MISSION, KS
66205 913.831.1622

Gain Area

State	County	Twp or Pct	Percentage	Total Pop.	Population
NE	Douglas	Platte Valley	17	3,067	521
NE	Douglas				521

NE	Lancaster	Mill	100	265	265
NE	Lancaster	North Bluff	2	564	11
NE	Lancaster	Rock Creek	38	534	203
NE	Lancaster	Waverly Cty	100	625	625
NE	Lancaster	Waverly pct	80	2,280	1,824
NE	Lancaster				2,928

NE	Otoe	Berlin	100	696	696
NE	Otoe	Delaware	91	619	563
NE	Otoe	Four Mile	95	374	355
NE	Otoe	Nebraska Cty	100	6,547	6,547
NE	Otoe	N. Syracuse	76	954	725
NE	Otoe	S. Syracuse	12	983	118
NE	Otoe	Wyoming	88	452	398
NE	Otoe				9,492

NE	Sarpy	Melin Forest	11	1,151	127
NE	Sarpy	Platford - Springfield	3	1,535	46
NE	Sarpy				173

NE	Saunders	Ashland Twp	100	2,229	2,229
NE	Saunders	Clear Creek	95	796	756
NE	Saunders	Douglas	3	219	7
NE	Saunders	Green	100	270	270
NE	Saunders	Lashara	88	492	433
NE	Saunders	Marble	66	293	193
NE	Saunders	Marietta	100	786	786
NE	Saunders	Mariposa	3	349	10
NE	Saunders	N. Cedar	100	808	808
NE	Saunders	Pohocco	100	863	863
NE	Saunders	S. Cedar	100	240	240
NE	Saunders	Richland	64	1,237	791
NE	Saunders	Stocking	75	401	301
NE	Saunders	Union	75	1,545	1,159
NE	Saunders	Wahoo Cty	100	3,681	3,681
NE	Saunders	Wahoo Twp	100	360	360
NE	Saunders				12,887

Gain Area

State	County	Pct or Twp	Percentage	Total Pop.	Population
NE	Washington	Twp. 5	15	2,452	359
NE	Washington	Twp. 6	5	2,131	107
NE	Washington				

IA	Fremont	Benton	67	327	219
IA	Fremont	Fisher	32	862	276
IA	Fremont	Madison	10	188	19
IA	Fremont	Riverton	76	447	340
IA	Fremont	Sidney	30	1,801	540
IA	Fremont	Washington	49	342	166
IA	Fremont				

Total Gain					1,800
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Loss Area

State	County	Pct or Twp	Percentage	Total Pop.	Population
NE	Burt	Riverside	38	70	27
NE	Burt				

IA	Adair	Eureka	100	158	158
IA	Adair	Jackson	100	427	427
IA	Adair	Prussia	27	247	67
IA	Adair	Summerset	7	1,036	73
IA	Adair	Summit	100	1,045	1,045
IA	Adair	Walnut	16	198	32
IA	Adair	Washington	78	186	145
IA	Adair				

IA	Adams	Carl	40	213	85
IA	Adams	Douglas	100	247	247
IA	Adams	Jasper	18	459	83
IA	Adams	Lincoln	100	129	129
IA	Adams	Nodaway	89	295	263
IA	Adams	Quincy	73	2,023	1,477
IA	Adams	Washington	100	206	206
IA	Adams				

Loss Area

State	County	Pct or Twp	Percentage	Total Pop.	Population
IA	Audubon	Audubon Twp	100	271	271
IA	Audubon	Cameron	100	204	204
IA	Audubon	Douglas	100	300	300
IA	Audubon	Exira	100	1,319	1,319
IA	Audubon	Greeley	100	197	197
IA	Audubon	Hamlin	100	336	336
IA	Audubon	Leroy	100	171	171
IA	Audubon	Lincoln	100	344	344
IA	Audubon	Melville	100	2,920	2,920
IA	Audubon	Oakfield	78	416	324
IA	Audubon	Sharon	95	614	583
IA	Audubon	Viola	98	242	237
IA	Audubon				7,206

IA	Carroll	Eden	91	681	619
IA	Carroll	Ewoldt	100	323	323
IA	Carroll	Manning Cty	100	1,484	1,484
IA	Carroll	Newton	33	562	184
IA	Carroll	Roselle	20	720	144
IA	Carroll	Washington	74	351	262
IA	Carroll				3,016

IA	Cass	Bear Grove	24	272	65
IA	Cass	Benton	100	198	198
IA	Cass	Edna	100	167	167
IA	Cass	Franklin	100	404	404
IA	Cass	Grant	100	1,331	1,331
IA	Cass	Grove	25	341	85
IA	Cass	Lincoln	100	192	192
IA	Cass	Massena	100	588	588
IA	Cass	Noble	18	376	68
IA	Cass	Pymosa	71	363	258
IA	Cass	Union	100	528	528
IA	Cass	Victoria	100	206	206
IA	Cass				4,096

IA	Crawford	Boyer	36	210	76
IA	Crawford	Charter Oak	74	797	590
IA	Crawford	Dennison Twp	100	7,052	7,052
IA	Crawford	East Boyer	100	392	392
IA	Crawford	Goodrich	62	335	208
IA	Crawford	Hanover	78	293	229
IA	Crawford	Hayes	100	300	300

Loss Area

State	County	Pct or Twp	Percentage	Total Pop.	Population
IA	Crawford	Iowa	100	367	367
IA	Crawford	Milford	61	618	377
IA	Crawford	Nisnabotny	100	1,185	1,185
IA	Crawford	Paradise	100	320	320
IA	Crawford	Union	71	887	630
IA	Crawford	Washington	98	332	325
IA	Crawford	West Side	33	972	321
IA	Crawford	Willow	100	193	193
IA	Crawford				12,556

IA	Guthrie	Baker	9	249	22
IA	Guthrie	Bear Grove	100	215	215
IA	Guthrie	Grant	100	303	303
IA	Guthrie	Orange	21	208	44
IA	Guthrie	Thompson	3	677	20
IA	Guthrie	Union	69	129	89
IA	Guthrie				693

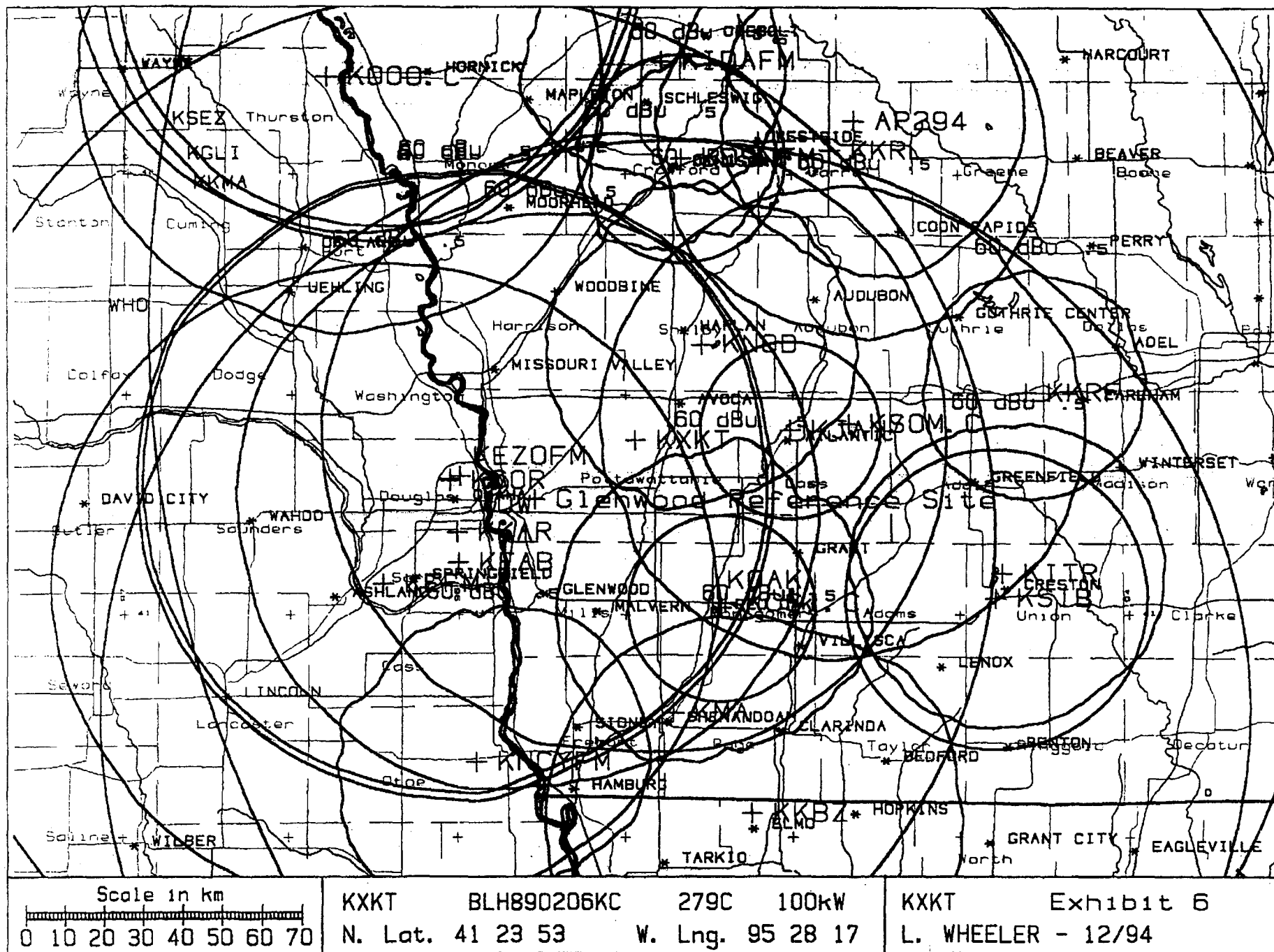
IA	Monona	Belvidere	69	272	188
IA	Monona	Center	18	184	33
IA	Monona	Franklin	14	290	41
IA	Monona	Jordan	99	200	198
IA	Monona	Kennebec	10	342	34
IA	Monona	Sherman	75	373	280
IA	Monona	Sioux	45	115	52
IA	Monona	Spring Valley	59	481	284
IA	Monona	St. Claire	51	567	289
IA	Monona	Soldier	100	455	455
IA	Monona				1,854

IA	Montgomery	Douglas	36	315	113
IA	Montgomery	East	97	1,576	1,529
IA	Montgomery	Scott	16	982	154
IA	Montgomery	Washington	70	218	153
IA	Montgomery				1,949

IA	Page	Douglas	83	221	183
IA	Page	Fremont	12	276	33
IA	Page	Grant	10	3,634	363
IA	Page	Lincoln	2	387	8
IA	Page	Morton	9	222	20
IA	Page	Nodaway	45	3,701	1,665
IA	Page	Tarkio	75	271	203
IA	Page	Valley	91	261	238
IA	Page				2,713

Loss Area

State	County	Pct or Twp	Percentage	Total Pop.	Population
IA	Shelby	Douglas	9	395	36
IA	Shelby	Greeley	80	266	213
IA	Shelby	Jackson	10	363	38
IA	Shelby	Jefferson	100	641	641
IA	Shelby	Polk	85	213	181
IA	Shelby	Union	16	854	137
IA	Shelby				1,244
IA	Taylor	Nodaway	35	164	57
IA	Taylor				57
Total Loss					39,851



WHEELER BROADCAST CONSULTING

Exhibit 7

Facilities Overlapping Loss Area

FM Facilities

KEZOFM	222 C	Omaha	NE	41 18 40	96 01 37
				100.0 kW	369 m
KIDAFM	225 C3	Ida Grove	IA	42 15 16	92 23 29
				16.0 kW	90 m
KKRL	229 C1	Carroll	IA	42 03 14	84 53 06
				100.0 kW	91 m
KGLI	238 C1	Sioux City	IA	42 30 53	96 18 13
				100.0 kW	274 m
KCSI.C	237 C3	Red Oak	IA	41 01 35	95 12 05
				20.5 kW	111 m
KEFM	241 C	Omaha	NE	41 04 15	96 13 30
				100.0 kW	439 m
KSOM.C	243 C1	Audubon	IA	41 26 07	94 50 00
				100.0 kW	161 m
KNCYFM	249 C2	Nebraska City	NE	40 40 06	95 56 40
				26.0 kW	81 m
KSEZ	250 C1	Sioux City	IA	42 28 56	96 15 30
				100.0 kW	196 m
KQKQ	253 C	Omaha	NE	41 18 25	96 01 37
				100.0 kW	358 m
KKMA	258 C1	Le Mars	IA	42 28 56	96 15 30
				100.0 kW	241 m
KGOR	260 C	Omaha	NE	41 18 25	96 01 37
				115.0 kW	375 m
KGBIFM	264 C	Omaha	NE	41 03 10	96 11 35
				100.0 kW	354 m
KITR	267 C3	Creston	IA	41 05 41	94 22 30
				19.0 kW	111m

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